

# **KENTUCKY DEPARTMENT OF EDUCATION**

## **STAFF NOTE**

### **Review Item:**

704 KAR 3:390, Extended School Services

### **Applicable Statute or Regulation:**

KRS 158.070

### **History/Background:**

***Existing Policy.*** The Kentucky Education Reform Act (KERA) included language requiring the provision of continuing education” which later became known as “Extended School Services” (ESS). KRS 158.070 requires extra instructional time be provided beyond the regular school day, school week, or year for students who need additional time to achieve learning outcomes, and funding is provided to support these services. ESS programs take many forms including after-school instruction, evening sessions, Saturday sessions, summer programs, and daytime waiver programs. The times of the programs may vary, depending on students’ needs. The schedule for ESS program models are flexible enough to serve a wide range of students with differing needs. However, it is necessary to ensure that all students are selected by priority of greatest need. The commissioner of education may approve a district’s request for a waiver to use an alternative service delivery option, including providing services during the school day on a limited basis and meeting the criteria in pursuant to 704 KAR 3:390, Section 7. This type of program is known as the “ESS Day-Time Waiver.”

In January 2008, under the authority of the Education Assessment and Accountability Review Subcommittee (EAARS), the Office of Educational Accountability (OEA) conducted an ESS study. Upon its completion, OEA reported to EAARS their findings based on data sources that included:

- the Student Information System,
- annual financial reports,
- site visits,
- a statewide survey,
- district documentation, and
- scholastic audits and reviews.

Those recommendations were used to guide the regulation’s revision process and are included in their entirety in Attachment A.

### **Policy Issue(s) and Options:**

KDE has revised the regulation (attached) based on the OEA recommendations that required policy changes. These are generally summarized below.

- 1) **Funding formula:** The language concerning the funding formula has been simplified. The current formula included one-half of the total funds based on average daily attendance, one-sixth by economic deprivation, one-sixth by drop-out rate, and one-sixth by academic index. The academic index has been replaced by the accountability index. Dropout rate has been eliminated as a stand alone variable within the formula; the dropout rate is calculated in the accountability index. The revised regulation distributes funds based the following formula: one-half of the available funds based on average daily attendance, one-fourth by economic deprivation and one-fourth by accountability indices.
- 2) **Flexibility:** The revised language in the regulation now allows schools to use ESS funds when they are needed by students without KDE approval of a separate stand-alone waiver. The district comprehensive plan submission to KBE will include the use of daytime wavier data, a plan and evaluation of the districts' Extended School Services Plan.
- 3) **Individualized Instructional Plan:** Student data will be monitored through the use of an individualized learning plan containing learning goals and both pre and post assessments for each student. Teachers of students of grades 6-12 will use the newly developed Intervention Module of the Individual Learning Plan (ILP). The ILP will include ESS information regarding intervention with students and information about transitions. The regulation now defines the components of a balanced assessment system and supports the collection of data in various ways (e.g., diagnostic, formative, summative) to support student learning.

KDE is recommending the following specific changes to 704 KAR 3:390:

- **Necessity, Function, and Conformity.** Additional flexibility has been provided to allow schools to provide extra instructional time to students whenever it is needed.
- **Section 1. Definitions (3) (4) (5) (6) (7)** - Defines diagnostic, formative, interim/benchmark and summative assessments and the Individual Learning Plan (ILP).
- **Section 1. Definitions 2 (c)** – This additional definition ensures the alignment of the program goals and reflects best practices for struggling students as indicated while leveraging the ILP .
- **Section 2. Instructional Program (1) (b) and (2) and (2) (e)** - Ensures attention is given to critical transition levels (exit elementary to middle, middle to high, and from high to postsecondary and/or the workplace) as students persist to graduation.
- **Section 2 Instructional Program (2) (e)** - Ensures that students' needs are determined and instructional decisions are made using data from a balanced assessment system.
- **Section 2 Instructional Program (4)(d)** - Ensures districts' school improvement plans include the community and various stakeholder groups to contribute to the success of students by providing various resources both human and fiscal.

- **Section 3. (1) Student Selection-** Ensures access and opportunity for extended school services to those students enrolled in Alternative (A5-A6) schools.
- **Section 3. Student Selection 3(b)(c)-** Guided by the ILP.
- **Section 4. Funding** – Simplifies the funding formula in that one-half of the available funds will be distributed based on average daily attendance (ADA), one-fourth based on accountability indices (AI) and one fourth based on economic deprivation (ED).
- **Section 7. Waiver for alternative service delivery-**Requires waivers to operate extended school services during the regular school day be included in the district's/school's improvement plan. Waivers shall align with identified goals and objectives and data from a needs assessment and be submitted to KDE by the district ESS coordinator.
- **Section 8. Extended school Services and NCLB Supplemental Services-** Allows the local board greater flexibility and coordination ability to leverage human and fiscal resources for those students who are eligible to receive both interventions in a complimentary manner without supplanting.

### **Impact on Getting to Proficiency:**

Assisting those students who need additional instructional time to achieve learning outcomes is critical in reaching proficiency.

### **Groups Consulted and Brief Summary of Responses:**

Groups that will be consulted for input include the Local Superintendents Advisory Council (LSAC), Parents Advisory Council (PAC), and Commissioner's Raising Achievement/Closing Gaps Council. Their feedback will be reported at the August meeting.

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**Deputy Commissioner**

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**Commissioner of Education**

### **Date:**

August 2008